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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,325	01/31/2002	Hideki Akiyama	0505-0949P	5566
2292	7590	09/21/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TORRES, MELANIE	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,325

Applicant(s)

AKIYAMA ET AL.

Examiner

Melanie Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11 and 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant does not provide sufficient support for the subject matter of newly added claim 25. The drawings are not considered sufficient support for this limitation since they are not to scale and are considered for schematic purposes only unless otherwise indicated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 2, 6, 7, 9, 10, 15, 16, 18, 19, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Martinez et al. and further in view of Shiratsuchi.

Re claims 1, 2, 6, 9, 10, 15, 18, 19, 20, 23 and 24, Theobald teaches a shock absorbing structure (12) for a two-wheeled vehicle including a shock absorbing member projecting from a vehicular body (7), wherein shock is absorbed by crashing the shock absorbing member comprising a front end of the shock absorbing located in front of a front wheel (2), an upper end of the shock absorbing member located at such a position that the upper end of the shock absorbing member does not block a forward viewing area for the driver, a center of a leading end contact surface of the shock absorbing member located at a position higher than a vertical position of a center of gravity of both the vehicle and the driver and wherein right and left side surfaces of the shock absorbing member are offset to a center of a vehicular body from right and left side surfaces of the vehicular body, wherein the upper end includes a forward section with an inclined upper surface for permitting the forward viewing area of the operator to be unobstructed.

Theobald does not teach wherein the shock absorbing member includes a plurality of reinforcing ribs arranged to extend at substantially right angles to the shock to be absorbed, wherein the lower ends of the ribs are exposed, and the upper ends of the ribs are fixed to the top wall. Martinez et al. teach a shock absorbing member including a plurality of reinforcing ribs (9) having lengths extending substantially in a vertical direction with respect to the vehicular body so as to be arranged at substantially

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right angles to the shock to be absorbed. (See figures 1 and 2B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the reinforcing ribs of Martinez et al. in the shock absorbing structure of Theobald in order to provide additional impact absorption of the apparatus.

Theobald further does not teach wherein the shock absorbing member is mounted on a front cover and includes a rear peripheral wall that is curved into a shape to follow that of the front cover. Shiratsuchi teaches a curved front cover. (Figure1) It would have been obvious to one of ordinary skill in the art to have mounted the shock absorbing member on the front cover of Shiratsuchi in order to allow for additional impact protection to the driver. Further, it would have been an obvious matter of design choice to have included a rear peripheral wall that is curved into a shape to follow that of the front cover in order to facilitate attachment since applicant has not disclosed that such a shape would solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a variety of rear wall/front cover shapes. See MPEP 2144.04, IV, B – In re Dailey, 357 F.2d. 669, 149 USPQ 47 (CCPA 1966).

Re claim 23, Theobald as modified teaches wherein the inclined upper surface of the top wall causes reinforcing ribs at a forward end of the shock absorbing member to have a height that is shorter than the reinforcing ribs at the rear of the shock absorbing member. Theobald teaches an inclined upper surface of the top wall and as combined with Martinez et al. would teach shorter reinforcing ribs.

Re claims 7, 16, 21 and 22, Theobald as modified does not teach wherein the plurality of reinforcing ribs form substantially triangular shapes within each of the plurality of sections. It would have been obvious to modify Theobald by having triangular reinforcing ribs since applicant has not disclosed that having the specific shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a variety of different shapes as is well known in the art. (e.g. Martinez et al., Column 4, lines 17-19)

Re claims 21 and 22, Theobald as modified above teaches wherein the plurality of reinforcing ribs are arranged to form spaces having cross sections that are substantially triangular shaped and trapezoidal shaped as a structure with triangular shapes would inherently contain trapezoidal shapes when two triangles are viewed in combination to the same extent as applicant's invention.

5. Claims 3, 5, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Martinez et al. and further in view of Casse.

Re claims 3, 5, 11, and 14, Theobald as modified does not teach wherein the plurality of reinforcing ribs includes ribs with partially thinned sections for facilitating the absorption of shock or wherein the ribs are bilaterally symmetric. Casse teaches wherein the plurality of reinforcing ribs includes ribs with partially thinned sections (e1) for facilitating the absorption of shock and wherein the ribs are bilaterally symmetric. It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to have provided the partially thinned sections of Casse in the invention of Theobald since it is well known that such a construction facilitates impact absorption.

(See Abstract)

6. Claims 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald as modified above in view of Brumby.

Re claims 8, 16 and 17, Theobald as modified does not teach a shock absorbing member formed from resin. Brumby teaches a shock absorbing member (11) formed from resin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the shock absorbing member of Theobald from resin as taught by Brumby since it is well known in the art that impact shock absorbers are formed from resin for its molding properties.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-11 and 14-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (571)272-7127. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571)272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT

September 18, 2005

Melanie Torres
Melanie Torres
Primary Examiner
9-18-05